

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ALLSTATE INSURANCE  
COMPANY, et al.,

Plaintiffs,

- against -

NOEL W. HOWELL, M.D.,  
EMMANUEL KUCHEROVSKY, et al.

Defendants.

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DEARIE, District Judge.

**ORDER**

09 CV 4660 (RJD) (VVP)

In his June 24, 2013 Report and Recommendation, (ECF No. 317), Magistrate Judge Viktor V. Pohorelsky recommends that the Court grant the motion of plaintiffs Allstate Insurance Company, Allstate Indemnity Company, Allstate Property & Casualty Insurance Company, and Allstate New Jersey Insurance Company for entry of a default judgment against defendant Emmanuel Kucherovsky pursuant to the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §§ 1961-1968. The Report and Recommendation further recommends that the default judgment award the plaintiffs \$2,332,452.03 in actual damages, trebled, pursuant to 18 U.S.C. § 1964(c), for a total award of \$6,997,356.09. The Report and Recommendation has been served upon defendant. (Almela Aff. of Service, ECF No. 318). No objections have been filed, and defendant's time to do so has expired.

Having considered the papers submitted in support of plaintiffs' motion and the comprehensive analysis of Magistrate Judge Pohorelsky, the Court adopts the Report and Recommendation, with the sole qualification that Kucherovsky's liability is established by his violation of Section 1962(c) and (d), but not Section 1962(a). Accordingly, the Court grants

plaintiffs' motion for entry of a default judgment against Kuchеровsky and awards plaintiffs \$6,997,356.09 in damages.

The Clerk of the Court is directed to enter judgment accordingly.

SO ORDERED.

Dated: Brooklyn, New York  
September 27, 2013

/s/ Judge Raymond J. Dearie

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RAYMOND J. DEARIE  
United States District Judge